

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES

**V.**

**CRIMINAL NO. 05-40012 FDS**

ANTHONY P. RAYMOND

**MOTION TO DISMISS INDICTMENT**

The defendant moves that the Court dismiss the indictment in the above captioned matter charging the defendant in one count with contempt in violation of Title 18 USC §401(3).

In support of this motion the defendant says that Title 18 USC §401 is facially constitutionally defective in that it fails to satisfy the dictates of the Due Process Clause by failing to inform clearly and concisely the nature, cause and penalty of the accusation in violation of the Sixth and Fourteenth Amendments of the United States Constitution.

WHEREFORE, for the reasons set forth above and in the attached memorandum of law, the defendant respectfully requests the Court to dismiss the indictment.

/s/ Roger Witkin  
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DATE: August 1, 2005